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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

JUAN CARLOS SANCHEZ DENTON,

Petitioner,

VS.

STATE OF NEVADA, et al.,

Respondents.

Case No. 2:15-cv-00868-LDG-CWH

ORDER

This action is a pro se petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by an inmate. Neither a filing fee nor an application to proceed in forma pauperis was submitted with the petition. When filing a habeas action, petitioner must either submit the \$5.00 filing fee for habeas petitions or an application to proceed in forma pauperis. Due to the lack of an in forma pauperis application or filing fee, the present action will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application with all required attachments. It does not appear from the papers presented that a dismissal without prejudice would result in a promptlyfiled new petition being untimely. In this regard, petitioner at all times remains responsible for calculating the running of the limitations period as applied to his case and properly commencing a timely-filed habeas corpus action.

IT THEREFORE IS ORDERED that this action is DISMISSED without prejudice to the filing of a new petition in a new action.

IT IS FURTHER ORDERED that the Clerk of the Court shall send petitioner two copies of an *in forma pauperis* application form for a prisoner, one copy of the instructions for the same, two copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for the same.

IT IS FURTHER ORDERED that petitioner may file a new petition in a new action, but he may not file further documents in this action.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED.** Reasonable jurists would not find the dismissal of the improperly-commenced action without prejudice to be debatable or wrong.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly.

Dated this _____ day of May, 2015.

UNITED STATES ØISTRICT JUDGE

LLOYD D. GEORGE